



NEWS & EVENTS

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Lovell and Bilhartz Combine Contrasting Styles to Win 86th Lile Moot Court Competition



The University of Texas and UVA Law's Section B were well-represented in this year's Lile Moot Court, with the team of Trevor Lovell and Nate Bilhartz.

One has the thoughtful manner of a law clerk. The other possesses the engaging style of an advocate. University of Virginia School of Law students Trevor Lovell and Nate Bilhartz combined their contrasting, yet complementary approaches to win the school's 86th annual William Lile Moot Court Competition on April 18.

The third-year law students defeated classmates Brett Rector and Rhett Ricard in an appeals court simulation that involved criminal restitution.

"The great thing about working with Trevor is that he comes up with arguments that are unexpected, that are inventive, that the judges find very surprising and persuasive," Bilhartz said.

"Nate has more of an advocate's style," Lovell said. "A stronger, sort of punchier style. And so it was helpful for me to get up there and do my bit, to do sort of a trust-building exercise with the judges, but Nate could always come in and bring it home."

Each year, the [competition](#) starts with a field of about 80 students in two-person teams, writing briefs and arguing student-written problems before a mock federal bench, which in later rounds includes actual state and federal judges. Over the course of the participants' second and third years, the field is whittled until two teams meet in a final round in April.

Bilhartz and Lovell, who are both University of Texas graduates, met as first-year students in UVA Law's

Section B. They credited Professor [Sarah Stewart Ware's](#) Legal Research and Writing class with improving their ability to structure an argument, and said their extracurricular activities have also bolstered them. Lovell was last year's editor-in-chief of the Virginia Law Review and Bilhartz has performed every year in the Libel Show.

The final element that helped them win, they said, was lots and lots of work.



"I felt more comfortable going into the finals than other rounds because we had done so much preparation, even though I knew the judges were going to be harder on us in some ways, and even though our opponents also made it to finals and were very, very good at what they did," Lovell said.

Judges Thomas Griffith '85 of the U.S. Court of Appeals for the District of Columbia, Roy McLeese of District of Columbia Court of Appeals, and Pamela Reeves of the U.S. District Court for the Eastern District of Tennessee presided over this year's final arguments.

The case involved the fictional employee of a trading firm who oversaw a derivatives account that experienced losses. In an attempt to compensate for the shortfall, the employee rigged the company's automated trading platform with a software patch that allowed for riskier trades and exposed the company to over \$1 billion in potential losses. When the employee's malfeasance was discovered by the company, the employee was terminated. The federal government then prosecuted him for wire fraud, to which he pleaded guilty.

But the man appealed having to pay restitution for the internal investigation and other costs, arguing that the Mandatory Victims Restitution Act of 1996 doesn't specify consequential damages. Adding another wrinkle to the scenario, the fictional character committed suicide in prison before his appeal could be heard.

Lovell and Bilhartz represented the man's widow, who sought to shield his estate from paying the outstanding restitution. The opposing team represented the government.

Typically in a criminal proceeding, the death of a defendant would nullify the case against him, and Bilhartz constructed the argument that said the rule applied in this instance as well. A separate circuit split developed recently on whether the 1996 act covers private parties' internal investigations into criminal activity. Lovell wrote this part of the brief, arguing that it does not.

"In a lot of these competitions, you read the problem, you read the lower proceedings and you see the cases they want you to use, so you get a sense from the first day of looking at it: These are the arguments I'm supposed to make," Bilhartz said.

But he said Lovell's creative arguments on top of their expected ones, as well as their ability to weather a few curveballs from the judges, made a difference in the outcome.

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